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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2011-712

11 **JACQUELENE ADAIR, AKA**
12 **JACQUELINE PALMER WILLIAMS**
13 **3033 Chief Ridaught Trail**
14 **Middleburg, FL 32068**
15 **Registered Nurse License No. 597449**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

16 **FINDINGS OF FACT**

17 1. On or about February 16, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her
18 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
19 Consumer Affairs, filed Accusation No. 2011-712 against Jacqueline Adair, aka Jacqueline
20 Palmer Williams ("Respondent") before the Board of Registered Nursing.

21 2. On or about April 5, 2002, the Board of Registered Nursing ("Board") issued
22 Registered Nurse License No. 597449 to Respondent. The Registered Nurse License expired on
23 February 29, 2004, and has not been renewed. Pursuant to Business and Professions Code section
24 118, this lapse in licensure however, does not deprive the Board of jurisdiction to proceed with
25 this disciplinary action against Respondent's nursing license.

26 3. On or about February 16, 2011, Respondent was served by Certified and First Class
27 Mail copies of the Accusation No. 2011-712, Statement to Respondent, Notice of Defense,
28 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,

1 and 11507.7) at Respondent's address of record which, pursuant to California Code of
2 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.
3 Respondent's address on record with the Board was and is:

4 3033 Chief Ridaught Trail
5 Middleburg, FL 32068.

6 4. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

8 5. On or about February 23, 2011, the aforementioned documents served via First Class
9 Mail were returned by the U.S. Postal Service marked "Undeliverable as addressed." On or about
10 March 9, 2011, the aforementioned documents served via Certified Mail were returned by the
11 U.S. Postal Service marked "Undeliverable as addressed."

12 6. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts
15 of the accusation not expressly admitted. Failure to file a notice of defense shall
16 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
17 may nevertheless grant a hearing.

18 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
19 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-
20 712.

21 8. California Government Code section 11520 states, in pertinent part:

22 (a) If the respondent either fails to file a notice of defense or to appear at the
23 hearing, the agency may take action based upon the respondent's express admissions
24 or upon other evidence and affidavits may be used as evidence without any notice to
25 respondent.

26 9. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 2011-712, finds

1 that the charges and allegations in Accusation No. 2011-712, are separately and severally, found
2 to be true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$680.00 as of March 23, 2011.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Jacqueline Adair, aka Jacqueline
8 Palmer Williams has subjected her Registered Nurse License No. 597449 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
11 Nurse License based upon the following violations alleged in the Accusation which are supported
12 by the evidence contained in the Default Decision Evidence Packet in this case.:

13 a. **Disciplinary Action by the State of Florida Board of Nursing.** Respondent is
14 subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of
15 unprofessional conduct in that Respondent was disciplined by the State of Florida Board of
16 Nursing ("Florida Board") as follows: On or about February 22, 2006, pursuant to the Findings of
17 Fact, Conclusions of Law, and Final Order, in the disciplinary action entitled *Department of*
18 *Health vs. Jacqueline Palmer Williams*, the Florida Board disciplined Respondent's Registered
19 Nursing license by issuing a formal reprimand, ordering Respondent to pay fines, and suspending
20 Respondent's Registered Nurse license until such time that Respondent undergoes an evaluation
21 coordinated by the Intervention Project for Nurses ("IPN"), and complies with any and all terms
22 and conditions imposed by IPN as a result of said evaluation

23 b. **Unlawful Possession of a Controlled Substance.** Respondent is subject to
24 disciplinary action under Code section 2762, subdivision (a), in that Respondent unlawfully
25 possessed controlled substances, to wit, hydromorphone, meperidine, and lorazepam.

26 c. **Dangerous Use of Drugs.** Respondent is subject to disciplinary action under Code
27 section 2762, subdivision (b), in that Respondent used a controlled substance, to wit,
28 hydromorphone and meperidine, to an extent or in a manner dangerous or injurious to herself, any

1 other person, or the public or to the extent that such use impairs her ability to conduct with safety
2 to the public the practice authorized by her license.

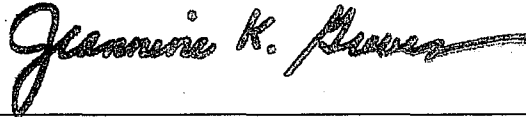
ORDER

IT IS SO ORDERED that Registered Nurse License No. 597449, heretofore issued to Respondent Jacqueline Adair, aka Jacqueline Palmer Williams, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 6, 2011.

It is so ORDERED June 6, 2011



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

DOJ Matter ID: LA2011600290
50862344.DOC

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
3 Supervising Deputy Attorney General
RANDY M. MAILMAN
4 Deputy Attorney General
State Bar No. 246134
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-2442
Facsimile: (213) 897-2804
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2011-712

12 **JACQUELENE ADAIR, AKA**
13 **JACQUELINE PALMER WILLIAMS**
14 **3033 Chief Ridaught Trail**
Middleburg, FL 32068
Registered Nurse License No. 597449

ACCUSATION

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about April 5, 2002, the Board of Registered Nursing issued Registered Nurse
22 License Number 597449 to Jacqueline Adair, aka Jacqueline Palmer Williams ("Respondent").
23 The Registered Nurse License expired on February 29, 2004, and has not been renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code ("Code") unless otherwise indicated.
28

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action...”

7. Section 2762 of the Code provides, in pertinent part:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or

1 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent
2 or in a manner dangerous or injurious to himself or herself, any other person, or
the public or to the extent that such use impairs his or her ability to conduct with
safety to the public the practice authorized by his or her license..."

3 8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
4 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
5 licensee or to render a decision imposing discipline on the license.

6 9. Section 4022 of the Code provides that:

7 "Dangerous drug" or "dangerous device" means any drug or device unsafe
8 for self-use in humans or animals, and includes the following:

9 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing
without prescription," "Rx only," or words of similar import.

10 (b) Any device that bears the statement: "Caution: federal law restricts this
11 device to sale by or on the order of a _____," "Rx only," or words of similar
import, the blank to be filled in with the designation of the practitioner licensed to
use or order use of the device.

12 (c) Any other drug or device that by federal or state law can be lawfully
13 dispensed only on prescription or furnished pursuant to Section 4006."

14 DRUG DEFINITIONS

15 10. **Hydromorphone** – a Schedule II controlled substance pursuant to Health and Safety
16 Code section 11055 subdivision (b)(1)(J) and a dangerous drug pursuant to Business and
17 Professions Code section 4022. It has a high potential for abuse and has a currently accepted but
18 severely restricted medical use in treatment in the United States. Abuse of hydromorphone may
19 lead to severe psychological or physical dependence. Dilaudid is a brand name of hydromorphone.

20 11. **Meperidine** – a Schedule II controlled substance pursuant to Health and Safety Code
21 section 11055 subdivision (c)(17) and a dangerous drug pursuant to Business and Professions
22 Code section 4022. It has a high potential for abuse and has a currently accepted but severely
23 restricted medical use in treatment in the United States. Abuse of meperidine may lead to severe
24 physical or psychological dependence. Demerol is a brand name of meperidine.

25 12. **Lorazepam** - a Schedule IV controlled substance pursuant to Health and Safety Code
26 section 11057 subdivision (d)(16) and a dangerous drug pursuant to Business and Professions
27 Code section 4022. It has a low potential for abuse and has a currently accepted medical use in
28

1 treatment in the United States. Abuse of lorazepam may lead to limited physical or psychological
2 dependence.

3 COST RECOVERY

4 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licentiate found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

8 FIRST CAUSE FOR DISCIPLINE

9 (Disciplinary Action by the State of Florida Board of Nursing)

10 14. Respondent is subject to disciplinary action under Code section 2761, subdivision
11 (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the State
12 of Florida Board of Nursing ("Florida Board").

13 15. On or about February 22, 2006, pursuant to the Findings of Fact, Conclusions of
14 Law, and Final Order, in the disciplinary action entitled *Department of Health vs. Jacqueline*
15 *Palmer Williams*, the Florida Board disciplined Respondent's Registered Nursing license by
16 issuing a formal reprimand, ordering Respondent to pay fines, and suspending Respondent's
17 Registered Nurse license until such time that Respondent undergoes an evaluation coordinated by
18 the Intervention Project for Nurses ("IPN"), and complies with any and all terms and conditions
19 imposed by IPN as a result of said evaluation. The basis for the discipline is as follows:

- 20 a. On or about November and December 2004, Respondent was assigned to work at the
21 Florida Hospital Fish Memorial ("FHFH") located in Orange City, Florida.
22 b. FHFH employs an automated medication dispensing systems and patient charts as a
23 way of keeping track of the withdrawal and administration of medications for patients.

24 Patient C.T.

- 25 c. On or about November 19, 2004, Respondent withdrew two doses of hydromorphone,
26 2 mg., from the medication dispensing system at FHFH using C.T.'s patient
27 information.
28 d. No physician had ordered hydromorphone, 2 mg. for Patient C.T.. Respondent did not

document in Patient C.T.'s chart the administration of hydromorphone 2 mg. for November 19, 2004. Respondent did not document in C.T.'s chart the need for the medication and the relief C.T. obtained from the medication.

e. Respondent did not document any hydromorphone wasted on November 19, 2004.

Patient T.P.

f. On or about December 4, 2004, Respondent withdrew one dose of hydromorphone, 2 mg., from the medication dispensing system at FHFH using Patient T.P.'s patient information.

g. No physician had ordered hydromorphone, 2 mg. for Patient T.P.. Respondent did not document in Patient T.P.'s chart the administration of hydromorphone 2 mg. for December 4, 2004. Respondent did not document in T.P.'s chart the need for the medication and the relief T.P. obtained from the medication.

h. Respondent did not document any hydromorphone wasted on December 4, 2004.

i. On or about December 5, 2004, Respondent withdrew two doses of meperidine from the medication dispensing system at FHFH using Patient T.P.'s patient information.

j. No physician had ordered meperidine for Patient T.P.. Respondent did not document in Patient T.P.'s chart the administration of meperidine for December 5, 2004. Respondent did not document in T.P.'s chart the need for the medication and the relief T.P. obtained from the medication.

k. Respondent did not document any meperidine wasted on December 5, 2004.

l. On or about December 5, 2004, Respondent withdrew one dose of lorazepam, 2 mg., from the medication dispensing system at FHFH using Patient T.P.'s patient information.

m. No physician had ordered Lorazepam for Patient T.P.. Respondent did not document in Patient T.P.'s chart the administration of one dose of lorazepam, 2 mg. for December 5, 2004. Respondent did not document in T.P.'s chart the need for the medication and the relief T.P. obtained from the medication.

n. Respondent did not document any lorazepam wasted on December 5, 2004.

1 **Patient E.B.**

- 2 o. On or about December 7, 2004, Respondent withdrew two doses of meperidine from
3 the medication dispensing system at FHFMM using Patient E.B.'s patient information.
4 p. No physician had ordered meperidine for Patient E.B.. Respondent did not document
5 in Patient E.B.'s chart the administration of meperidine for December 7, 2004.
6 Respondent did not document in E.B.'s chart the need for the medication and the relief
7 E.B. obtained from the medication.
8 q. Respondent did not document any meperidine wasted on December 7, 2004.

9 **Patient I.S.**

- 10 r. On or about December 8, 2004, Respondent withdrew one dose of meperidine from
11 the medication dispensing system at FHFMM using Patient I.S.'s patient information.
12 s. No physician had ordered meperidine for Patient I.S.. Respondent did not document
13 in Patient I.S.'s chart the administration of meperidine for December 8, 2004.
14 Respondent did not document in I.S.'s chart the need for the medication and the relief
15 I.S. obtained from the medication.
16 t. Respondent did not document any meperidine wasted on December 8, 2004.

17 **Referral to Intervention Project for Nurses**

- 18 u. On or about February 3, 2005, Respondent stated to an IPN representative that she had
19 diverted both hydromorphone (Dilaudid) and meperidine (Demerol) for her own use
20 over the past three months and that she was addicted.
21 v. On or about March 15, 2005, Respondent was evaluated by a Florida Board-approved
22 treatment provider who diagnosed Respondent with opioid dependence. The evaluator
23 opined that Respondent needed to be in an intensive outpatient treatment program and
24 complete that program successfully before she can return to nursing.
25 w. Respondent did not enter and complete intensive outpatient treatment.
26 x. IPN did not clear Respondent to return to nursing.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unlawful Possession of a Controlled Substance)**

3 16. Respondent is subject to disciplinary action under Code section 2762, subdivision
4 (a), in that Respondent unlawfully possessed controlled substances, to wit, hydromorphone,
5 meperidine, and lorazepam. The conduct is more particularly described in paragraph 15,
6 subparagraphs (a) through (x), inclusive, above, and herein incorporated by reference.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Dangerous Use of Drugs)**

9 17. Respondent is subject to disciplinary action under Code section 2762, subdivision
10 (b), in that Respondent used a controlled substance, to wit, hydromorphone and meperidine, to an
11 extent or in a manner dangerous or injurious to herself, any other person, or the public or to the
12 extent that such use impairs her ability to conduct with safety to the public the practice authorized
13 by her license. The conduct is more particularly described in paragraph 15, subparagraphs (a)
14 through (x), inclusive, above, and herein incorporated by reference.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board of Registered Nursing issue a decision:

- 18 1. Revoking or suspending Registered Nurse License Number 597449, issued to
19 Jacqueline Adair, aka Jacqueline Palmer Williams;
20 2. Ordering Jacqueline Adair, aka Jacqueline Palmer Williams to pay the Board of
21 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
22 pursuant to Business and Professions Code section 125.3;
23 3. Taking such other and further action as deemed necessary and proper.

24
25 DATED: February 16, 2011

26 *for* Stacie Ba
27 LOUISE R. BAILEY, M.ED., RN
28 Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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